IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6144 OF 2004

Roshni Alias Sapna Kamal Wadhwa .. Petitioner.
Vs.
Kamal Biharilal Wadhwa .. Respondent.

Mr.A.A.Garge for the petitioner.
Mr.T.D.Joshi with Ms.Daksha Shah for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 30TH SEPTEMBER, 2004

P.C.:

. Heard Mr.Garge, learned counsel for the petitioner and Mr.Joshi, learned counsel for the respondent.

2. Mr.Garge, learned counsel for the petitioner, at the outset, submits that the petitioner would be satisfied if he is given a liberty to file appropriate application seeking extension of time to file written statement. Mr.Joshi, learned counsel for the respondent states that he has no objection for granting such liberty but such application be decided in the light of the observations made in the judgment of this court in **Shailaja A.Sawant Vs. Sayajirao Ganpatrao Patil**

2004(2) Mh.L.J.419. In the circumstances, it is open for the petitioner to file an appropriate application seeking extension of time to file written statement beyond the time stipulated under Order 8 Rule 1 of Civil Procedure Code. The petitioner to file such application alongwith his written statement within two weeks from today. If such application is filed same may be considered on merits in accordance with law and in the light of the observations made in **Shailaja Sawant's** case. In the circumstances the impugned order dated 6.7.2004 renders ineffective. The petition is, accordingly, disposed of.

(D.B.Bhosale, J.)